

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Hammill Manufacturing Co.,

Case No. 3:25-cv-462

Plaintiff,

v.

ORDER

United States of America, et al.,

Defendants.

Defendants filed a Rule 12 motion to dismiss Counts Two, Three, and Four of Plaintiff's Complaint on June 16, 2025. (Doc. No. 9). On July 16, 2025, Plaintiff filed a motion for leave to file a First Amended Complaint and an opposition brief to Defendants' motion to dismiss. (Doc. Nos. 10 and 11).

Federal Rule of Civil Procedure 15 provides that "[a] party may amend its pleading once as a matter of course no later than ... 21 days after service of a motion under Rule 12(b), (e), or (f)." Fed. R. Civ. P. 15(a)(1)(B). While Plaintiff could have filed their First Amended Complaint as a matter of course on or before July 7, 2025, it failed to do so. Instead, Plaintiff filed its motion to amend over a week after this deadline.

To conserve this court's resources and move this case forward, I grant the motion to amend without further analysis. (Doc. No. 10). Additionally, while Plaintiff "stipulates that the Court may treat the Motion to Dismiss as having been filed with respect to the First Amended Complaint," (*id.* at 2), I conclude it a better practice to deny the pending motion to dismiss and allow Defendants to file a new motion to dismiss the First Amended Complaint if they wish to do

so. Accordingly, I now deny as moot Defendants' motion to dismiss Counts of the original Complaint. (Doc. No. 9).

Plaintiff shall file the First Amended Complaint on or before July 29, 2025. Within thirty (30) days of the filing of the First Amended Complaint, Defendants shall file their response.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge